

CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Watertown)
CIVIL DOCKET FOR CASE #: 7:05-cv-00715-TJM-GJD
Internal Use Only

County of Jefferson v. Abbott Laboratories, Inc. et al
Assigned to: Judge Thomas J. McAvoy
Referred to: Magistrate Judge Gustave J. DiBianco
Cause: 42:1396 - Tort Negligence

Date Filed: 06/08/2005
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

County of Jefferson

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK
I, the undersigned Clerk of the Court, do hereby certify that this
is a true, correct and full copy of the original document on file in
my case.
of pages (including exhibits) _____
Dated 8/18/05 by Lawrence K. Beaman, Clerk
by _____, Deputy Clerk.

Amgen, Inc.

Defendant

Andrx Corp.

Defendant

Astrazeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corp.

Defendant

Ben Venue Laboratories, Inc.

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Boehringer Ingelheim Corp.

Defendant

Boehringer Ingelheim Pharmaceuticals, Inc.

Defendant

Bristol-Meyers Squibb Company

Defendant

Dermik Laboratories, Inc.

Defendant

Dey, Inc.

Defendant

Eisai, Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals, Inc.

Defendant

Ethex Corp.

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corp.

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline, P.L.C.

Defendant

Greenstone, Ltd.

Defendant

Hoffman-La Roche, Inc.

Defendant

Immunex Corp.

Defendant

Ivax Corp.

Defendant

Ivax Pharmaceuticals, Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals

Defendant

McNeil-PPC, Inc.

Defendant

Medimmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

Novartis Pharmaceuticals Corp.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

Oncology Therapeutics Network Corp.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Ortho Biotech Products LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corp.

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals

Defendant

Roche Laboratories, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering Corp.

Defendant

Schering-Plough Corp.

Defendant

Serono, Inc.

Defendant

Smithklinebeeckham Corp.

doing business as
Glaxosmithkline

Defendant

Takeda Pharmaceuticals North America, Inc.

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Warrick Pharmaceuticals Corp.

Defendant


Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
06/08/2005	 1	COMPLAINT against Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, L.P., Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Abbott Laboratories, Inc., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc. (Filing fee \$ 250 receipt number ALB000912) filed by County of Jefferson. (Attachments: #

		1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(wbl,) (Entered: 06/09/2005)
06/08/2005	●	Summons Issued as to Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Abbott Laboratories, Inc., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Agouron Pharmaceuticals, Inc., Watson Pharmaceuticals, Inc., Wyeth, Alcon Laboratories, Inc., Allergan, Inc.. (wbl,) (Entered: 06/09/2005)
06/08/2005	● <u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 10/6/2005 11:30 AM in Syracuse before Magistrate Judge Gustave J. DiBianco. Civil Case Management Plan due by 9/26/2005. (wbl,) (Entered: 06/09/2005)
08/17/2005	● <u>3</u>	ORDER TRANSFERRING CASE to District Court for Massachusetts pursuant to direction of Judicial Panel on MDL; Clerk sent certified copies by certified mail (kcl,) (Entered: 08/17/2005)

UNITED STATES OF AMERICA

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

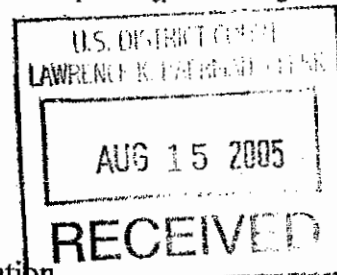
Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

August 11, 2005

Sarah Thornton, Clerk
2300 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210-3002



Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 5:05-714
County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 7:05-715

Dear Ms. Thornton:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on July 26, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

Counsel for plaintiff is listed below:

THE COUNTY OF MADISON
COUNTY OF JEFFERSON
Aaron D. Hovan, Esq
Kirby, McInerney & Squire, L.L.P.
830 Third Avenue
10th Floor
New York, NY 10022

Very truly,

Michael J. Beck
Clerk of the Panel

By: *[Signature]*
Mecca S. Carter
Deputy Clerk

DOCUMENT
I, the undersigned Clerk of the Court, do hereby certify that this is a true, correct and full copy of the original document on file in
of pages (text) 3; # of pages including (exhibits) 3
Dated 8/18/05
Lawrence K. Baerman, Clerk
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Patti B. Saris
Transferor Judges: Judge Thomas J. McAvoy; Judge Norman A. Mordue
Transferor Clerk: Lawrence K. Baerman

JPML Form 36

FILED JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
CLERK'S OFFICE
JUL 26 2005
2005 AUG 22 P 3:10
FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

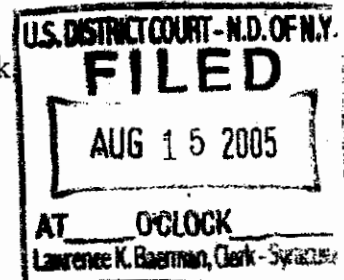
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York

C.A. No. 5:05-714

County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York,

C.A. No. 7:05-715



CONDITIONAL TRANSFER ORDER (CTO-24)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 58 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG 11 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

MIME-Version:1.0

From:ecf.notification@nynd.uscourts.gov

To:NYND_ECFQC@nynd.uscourts.gov

Message-Id:<459435@nynd.uscourts.gov>

Bcc:

Subject:Activity in Case 7:05-cv-00715-TJM-GJD County of Jefferson v. Abbott Laboratories, Inc. et al "Order Transferring Case"

Content-Type: text/plain***NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.<!-- rcsid='\\$Header:

/ecf/district/html/TextHead,v 3.1 2003-04-25 07:56:43-04 loy Exp \\$' -->

U.S. District Court

Northern District of New York [LIVE - Version 2.4]

Notice of Electronic Filing

The following transaction was entered on 8/17/2005 at 11:50 AM EDT and filed on 8/17/2005

#ident 'rcsid='\\$Header: /ecf/district/server/TextBody,v 3.1 2003-04-25 07:52:35-04 loy Exp \\$'

Case Name: County of Jefferson v. Abbott Laboratories, Inc. et al

Case Number: 7:05-cv-715 <https://ecf.nynd.uscourts.gov/cgi-bin/DktRpt.pl?59913>

WARNING: CASE CLOSED on 08/17/2005

Document Number: 3

Copy the URL address from the line below into the location bar of your Web browser to view the document:

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Docket Text:

ORDER TRANSFERRING CASE to District Court for Massachusetts pursuant to direction of Judicial Panel on MDL; Clerk sent certified copies by certified mail)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1051896954 [Date=8/17/2005] [FileNumber=459434-0]

[7e199d91f11f5819e1995925822f0ca4752806fcfdal02b11de92d57e79cae3193417c7a716bb49 1c16878424ecd2c14c9bfd4f15cc5bdd40be58e9e3be7826e]]

<!-- rcsid='\\$Header: /ecf/district/server/TextAtyList,v 3.2 2003-06-02 17:37:56-04 bibeau Exp \\$' -->

7:05-cv-715 Notice will be electronically mailed to:

Joanne M. Cicala jcicala@kmslaw.com,

Aaron D. Hovan ahovan@kmslaw.com, lmorris@kmslaw.com; jcicala@kmslaw.com

Roger W. Kirby iramirez@kmslaw.com, lmorris@kmslaw.com

7:05-cv-715 Notice will be delivered by other means to: